



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**31 MISC.CIVIL APPLICATION NO. 39 OF 2026**

**VAISHNAVI TUSHAR MANDLIK**

....Applicant

**VERSUS**

**TUSHAR PRAMOD MANDLIK**

.....Respondent

Mr. M. B. Kolpe, Advocate for the Applicant

Mr. Deshmukh, Advocate h/f Mr. S. S. Jangada, Advocate for the Respondent

**CORAM : ABHAY J. MANTRI, J.**

**DATE : 27<sup>th</sup> APRIL, 2026**

**PER COURT :**

1. Mr. Deshmukh, learned counsel holding for Mr. Jangada, learned counsel for the Respondent, sought time to file Affidavit-in-Reply, however, considering the fact that the Respondent appeared in the matter on 17<sup>th</sup> March 2026, but till today he has failed to file the same, therefore, I am not inclined to grant further time to file Affidavit-in-Reply, as the matter pending before the learned Family Court is stayed by order dated 23<sup>rd</sup> February 2026. Hence, his request is refused.

2. Heard the learned Advocate for the parties and perused the record.

3. By this Application, the Applicant seeks to transfer the Divorce Proceeding bearing No. 72/2025 pending before the learned Family Court, Parbhani, to the learned Family Court, Solapur.

4. The Applicant got married to the Respondent on 05-05-2024. After cohabiting for some time, she has been residing with her parents since December, 2024. The Applicant filed the proceeding under the provisions of the Protection of Women from Domestic Violence Act against the Respondent at the Chief Judicial Magistrate, Solapur. Similarly, the husband has also filed the Divorce proceedings bearing No. 72/2025 against the Applicant at the Family Court, Parbhani. Therefore, the Applicant has moved this Application.

5. The Applicant contended that she has no income source and it is very difficult for her to travel and attend the proceedings filed by the husband at Parbhani, which is 250 km away. The Applicant is unable to bear the financial burden of travelling to Parbhani.

6. Learned Advocate for the Respondent only contended that the Applicant could appear in the proceeding by seeking recourse to the video conferencing mode. Therefore, it would not be necessary to transfer the proceedings. Hence, he urged for rejection of the Application.

7. It is pertinent to note that despite granting an opportunity to the Respondent, the Respondent did not file a reply and thereby failed to challenge the averments made in the Application. The said fact itself indicates that the Respondent has no grievance about the averments made in the Application. Therefore, I do not find any substance in his contention that the Applicant can appear through the video conference before the Family Court.

8. The Hon'ble Supreme Court in *N.C.V. Aishwarya Vs. A. S. Saravana Karthik Sha reported in AIR Online 2022 SC 1268* has observed that the cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever courts are called upon to consider the plea of transfer, they must take into account the economic soundness of both parties, the social strata of the spouses, their behavioural patterns, their standard of life before and after the marriage, and the circumstances. The court also has to exercise interference when one proceeding is pending before one court and another proceeding is pending before another court; in such events, it would be appropriate to transfer all proceedings to one court to avoid inconvenience to the wife.

9. Apart from that, the Hon'ble Supreme Court, in a catena of judgments, has held that it would be appropriate to transfer the proceedings to the place where the wife resides to avoid causing her any inconvenience.

10. Having considered the above facts that the Applicant has no income source and it is inconvenient for the Applicant to travel to Solapur and attend the proceedings filed by the husband, it apparently indicates that she will have to endure hardship and suffering. Consequently, in view of the dictum laid down by the Hon'ble Supreme Court in *Aishwarya (supra)*, in my opinion, it would be appropriate to transfer the Divorce Proceeding bearing No. 72/2025 pending before the learned Family Court, Parbhani, to the learned Family Court, Solapur.

11. As a result, **the Application is allowed in terms of the prayer clause B.**

12. The Application is disposed of. No order as to costs.

**[ABHAY J. MANTRI, J. ]**